

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JEFF SLADEK,

4 Plaintiff

Case No. 3:19-cv-00764-MMD-CLB

**ORDER**

5 v.

6 ROBERSON, *et al.*,

7 Defendants  
8

9 **I. DISCUSSION**

10 On December 26, 2019, Plaintiff, an inmate in the custody of the Nevada  
11 Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C.  
12 § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On  
13 January 2, 2020, this Court issued an order denying the application as incomplete and  
14 directed Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay  
15 the full filing fee within 30 days from the date of that order. (ECF No. 3). On January 9,  
16 2020, Plaintiff subsequently filed a motion for enlargement of time because he had not  
17 yet received his financial certificate or inmate account statement from the NDOC. (ECF  
18 No. 4). The Court granted Plaintiff's motion for enlargement of time on January 10, 2020  
19 and ordered Plaintiff to file a fully complete application to proceed *in forma pauperis*, on  
20 the correct form with complete financial attachments, no later than March 2, 2020. (ECF  
21 No. 5). On March 2, 2020, Plaintiff filed another incomplete application to proceed *in*  
22 *forma pauperis*. (ECF No. 6). Plaintiff's application at ECF No. 6 is still missing a properly  
23 executed financial certificate and inmate account statement for the past six months. As  
24 such, Plaintiff's application to proceed *in forma pauperis* at ECF No. 6 is denied without  
25 prejudice.

26 Plaintiff will be granted one final opportunity to cure the deficiencies of his  
27 application to proceed *in forma pauperis* by filing a fully complete application to proceed  
28 *in forma pauperis*, on the correct form with complete financial attachments, including an

1 inmate account statement for the past six months and a properly executed financial  
2 certificate, in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a  
3 civil action within **thirty 30 days** from the date of this order. If Plaintiff fails to file a fully  
4 complete application to proceed *in forma pauperis*, on the correct form with complete  
5 financial attachments, including an inmate account statement for the past six months and  
6 a properly executed financial certificate or pay the full \$400 filing fee within thirty (30) days  
7 from the date of this order, the Court will dismiss the case in its entirety, without prejudice,  
8 to file a new case when Plaintiff is able to acquire the necessary documents to file a  
9 complete application to proceed *in forma pauperis*. The Court will retain Plaintiff's civil  
10 rights complaint (ECF No. 1-1) but will not file it until the matter of the payment of the filing  
11 fee is resolved.

## 12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
14 *in forma pauperis* (ECF No. 6) is DENIED without prejudice to file a new application.

15 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the  
16 approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
17 document entitled information and instructions for filing an *in forma pauperis* application.

18 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
19 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on  
20 the correct form with complete financial attachments, including an inmate account  
21 statement for the past six months and a properly executed financial certificate, in  
22 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action  
23 (which includes the \$350 filing fee and the \$50 administrative fee).

24 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file a fully complete  
25 application to proceed *in forma pauperis*, on the correct form with complete financial  
26 attachments, including an inmate account statement for the past six months and a  
27 properly executed financial certificate or (2) pay the full \$400 fee for filing a civil action,

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1 the Court will dismiss the case, without prejudice, for Plaintiff to file a new case when he  
2 is able to acquire the necessary documents to file a complete application to proceed *in*  
3 *forma pauperis*.

4 DATED: March 10, 2020.

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7 UNITED STATES MAGISTRATE JUDGE  
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